

JOHN H. DONBOLI (SBN: 205218)
JL SEAN SLATTERY (SBN: 210965)
DEL MAR LAW GROUP, LLP
322 Eighth Street, Suite 101
Del Mar, CA 92014
Telephone: (858) 793-6244
Facsimile: (858) 793-6005

Attorneys for Plaintiff: BLAKE STEWART

FILED

07 APR -5 PM 3:37

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: 

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BLAKE STEWART, an individual and on
behalf of all similarly situated,

Plaintiff,

vs.

MARIE CALLENDER PIE SHOPS, INC., a
California Corporation, and DOES 1 through
100, inclusive,

Defendants.

CASE NO. **07CV 0619 J** **LSP**

CLASS ACTION

**COMPLAINT FOR VIOLATIONS OF
FEDERAL FAIR CREDIT REPORTING
ACT (FCRA)**

[15 U.S.C. § 1681 *et seq.*]

**DEMAND FOR JURY TRIAL
[FRCP 38]**

COMES NOW, plaintiff BLAKE STEWART ("Plaintiff"), as an individual and on behalf
of all others similarly situated, by his undersigned attorneys, alleges as follows:

INTRODUCTION

1. In 2003, Congress passed and the President signed, the Fair and Accurate
Transactions Act ("FACTA") to assist in the prevention of identity theft and credit and debit
card fraud. In the statement provided by the President during the signing of the bill, the
President declared that:

"This bill also confronts the problem of identity theft. A growing number of
Americans are victimized by criminals who assume their identities and cause
havoc in their financial affairs. With this legislation, the Federal Government is
protecting our citizens by taking the offensive against identity theft."

///

1 2. A main provision of FACTA (codified as 15 U.S.C. § 1681c(g) of the Fair Credit
2 Reporting Act), provides that:

3 **“No person accepts credit cards or debit cards for the transaction of business**
4 **shall print more than the last 5 digits of the card number or the expiration**
5 **date upon any receipt provided to the cardholder** at the point of the sale or
6 transaction.”

7 3. The law gave merchants who accept credit and/or debit cards up to three years to
8 comply with its requirements, requiring full compliance with its provisions no later than
9 December 4, 2006. Although defendant MARIE CALLENDER PIE SHOPS, INC. (“Marie
10 Callender”) had up to three years to comply, Marie Callender apparently elected not to comply
11 and is now in willful violation of this law. In doing so, Marie Callender failed to protect Plaintiff
12 and others similarly situated against identity theft and credit and debit card fraud by continuing
13 to print more than the last five digits of the card number and or the expiration date on receipts
14 provided to debit card and credit card cardholders transacting business with Marie Callender.

15 4. Plaintiff, on behalf of himself and all others similarly situated, brings this action
16 against Marie Callender based on violations of 15 U.S.C. §§ 1681 *et seq.*

17 5. Plaintiff seeks, on behalf of himself and the class, statutory damages,
18 punitive damages, costs and attorneys fees, all of which are expressly made available by
19 statute, 15 U.S.C. §§ 1681 *et seq.*

20 **JURISDICTION AND VENUE**

21 6. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 and 15
22 U.S.C. § 1681p.

23 7. Plaintiff’s claims asserted herein arose in this judicial district and all Defendants
24 do business in this judicial district.

25 8. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), 1391(c) in that
26 this is the judicial district in which a substantial part of the acts and omissions giving rise to the
27 claims occurred.

28 ///

PARTIES

9. Plaintiff, BLAKE STEWART, is and at all times relevant hereto was a resident of the State of California and the County of San Diego.

10. Defendant MARIE CALLENDER PIE SHOP, INC. ("Marie Callender") is a corporation organized and existing under the laws of the State of California, with its principal executive offices in Aliso Viejo, California. Marie Callender operates a chain of restaurants under the Marie Callender's name that offers food products for sale to the general public. As of the date of filing of this Complaint, Marie Callender operated 139 Marie Callender's restaurants in 10 different states.

11. Plaintiff does not know the true names and capacities of defendants sued herein as DOES 1 through 100, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff is informed and believes that each of the DOE defendants was in some manner legally responsible for the wrongful and unlawful conduct and harm alleged herein. Plaintiff will amend this Complaint to set forth the true names and capacities of these defendants when they have been ascertained, along with appropriate charging allegations. Marie Callendar and DOES 1 through 100 are collectively hereinafter referred to as "Defendants."

12. At all times mentioned in this Complaint, Defendants and each of them were the agents, employees, joint venturer, and or partners of each other and were acting within the course and scope of such agency, employment, joint venturer and or partnership relationship and or each of the Defendants ratified and or authorized the conduct of each of the other Defendants.

CLASS ACTION ALLEGATIONS

13. Plaintiff brings this class action on behalf of himself and all other persons similarly situated pursuant to Rules 23(a) and 23(b)(1)-23(b)(3) of the Federal Rules of Civil Procedure.

14. The class which Plaintiff seeks to represent is defined as:

All persons in the United States to whom, on or after December 4, 2006, Defendants provided an electronically printed receipt at the point of a sale or transaction on which

1 Defendants printed more than the last five digits of the
2 person's credit card or debit card number and/or printed the
3 expiration date of the person's credit or debit card
4 ("PLAINTIFF CLASS").

5 15. Excluded from the PLAINTIFF CLASS are Defendants and their directors,
6 officers and employees.

7 16. Numerosity (Fed. R. Civ. P. 23(a)(1)): The PLAINTIFF CLASS is so numerous
8 that joinder of all individual members in one action would be impracticable. The disposition of
9 their claims through this class action will benefit both the parties and this Court.

10 17. Plaintiff is informed and believes and thereon alleges that there are, at a
11 minimum, thousands (i.e. two thousand or more) of members that comprise the PLAINTIFF
12 CLASS.

13 18. The exact size of the PLAINTIFF CLASS and identities of individual members
14 thereof are ascertainable through Defendants' records, including but not limited to Defendants'
15 sales and transaction records.

16 19. Members of the PLAINTIFF CLASS may be notified of the pendency of this
17 action by techniques and forms commonly used in class actions, such as by published notice, e-
18 mail notice, website notice, first class mail, or combinations thereof, or by other methods suitable
19 to this class and deemed necessary and/or appropriate by the Court.

20 20. Typicality (Fed. R. Civ. P. 23(a)(3)): Plaintiff's claims are typical of the claims
21 of the entire PLAINTIFF CLASS. The claims of Plaintiff and members of the PLAINTIFF
22 CLASS are based on the same legal theories and arise from the same unlawful conduct.

23 21. Plaintiff and members of the PLAINTIFF CLASS were each customers of
24 Defendants, each having made a purchase or transacted other business with Defendants on or
25 after December 4, 2006 using credit and or debit card. At the point of such sale or transaction
26 with Plaintiff and members of the PLAINTIFF CLASS, Defendants provided to Plaintiff and
27 each member of the PLAINTIFF CLASS a receipt in violation of 15 U.S.C. § 1681 c(g) (i.e., a
28 receipt on which is printed the card expiration date and/or more than the last five digits of the

1 credit or debit card numbers). The receipt provided to Marie Callender customers was in the
2 form of purported "customer" and "merchant" copies of the receipt.

3 22. Common Questions of Fact and Law (Fed. R. Civ. P. 23(a)(2) and b(3)): There is
4 a well-defined community of interest and common questions of fact and law affecting the
5 members of the PLAINTIFF CLASS.

6 23. The questions of fact and law common to the PLAINTIFF CLASS predominate
7 over questions which may affect individual members and include the following:

8 (a) Whether Defendants' conduct of providing Plaintiff and the PLAINTIFF
9 CLASS with sales or transaction receipts whereon Defendants printed more than the last five
10 digits of the credit card or debit card number and/or the expiration date of the credit or debit
11 card violated the FACTA, 15 U.S.C. §§ 1681 *et seq.*;

12 (b) Whether Defendants' conduct was willful;

13 (c) Whether Plaintiff and the PLAINTIFF CLASS are entitled to statutory
14 damages, punitive damages, costs and or attorneys' fees for Defendants' acts and conduct.

15 24. Adequacy of Representation (Fed. R. Civ. P. 23(a)(4)): Plaintiff is an adequate
16 representative of the PLAINTIFF CLASS because his interests do not conflict with the interests
17 of the PLAINTIFF CLASS which Plaintiff seeks to represent. Plaintiff will fairly, adequately,
18 and vigorously represent and protect the interests of the PLAINTIFF CLASS and has no
19 interests antagonistic to the PLAINTIFF CLASS. Plaintiff has retained counsel who is
20 competent and experienced in the prosecution of class action litigation.

21 25. Superiority (Fed. R. Civ. P. 23(a)(1) and 23(b)(3)): A class action is superior to
22 other available means for the fair and efficient adjudication of the claims of the PLAINTIFF
23 CLASS. While the aggregate damages which may be and if awarded to the PLAINTIFF
24 CLASS are likely to be in the millions of dollars, the actual damages suffered by individual
25 members of the PLAINTIFF CLASS are relatively small. As a result, the expense and burden
26 of individual litigation makes it economically infeasible and procedurally impracticable for each
27 member of the PLAINTIFF CLASS to individually seek redress for the wrongs done to them.
28 Plaintiff does not know of any other litigation concerning this controversy already commenced

1 by or against any member of the PLAINTIFF CLASS. The likelihood of individual
2 PLAINTIFF CLASS members prosecuting separate claims is remote. Individualized litigation
3 would also present the potential for varying, inconsistent or contradictory judgments, and would
4 increase the delay and expense to all parties and the court system resulting from multiple trials
5 of the same factual issues. In contrast, the conduct of this matter as a class action presents fewer
6 management difficulties, conserves the resources of the parties and the court system, and would
7 protect the rights of each member of the PLAINTIFF CLASS. Plaintiff knows of no difficulty
8 to be encountered in the management of this action that would preclude its maintenance as a
9 class action.

10 **FIRST CLAIM FOR RELIEF**

11 **(Violation of 15 U.S.C. §§ 1681 et seq. on Behalf of Plaintiff and**
12 **the PLAINTIFF CLASS as against all Defendants including DOES 1 through 100)**

13 26. Plaintiff hereby incorporates by reference allegations contained in paragraph 1
14 through 25 of this Complaint.

15 27. Plaintiff asserts this claim on behalf of himself and the PLAINTIF CLASS against
16 Defendants and each of them.

17 28. Title 15 U.S.C. § 1681c(g)(1) provides that:

18 “No person that accepts credit cards or debit cards for the transaction of business
19 shall print more than the 5 digits of the card number or the expiration date
20 upon any receipt provided to the cardholder at the point of the sale or
21 transaction.”

22 29. By its express terms, 15 U.S.C. § 1681c(g)(1) applies to “any cash register or
23 other machine or device that electronically prints receipts for credit card or debit card
24 transactions” on or after December 4, 2006 (15 U.S.C. § 1681c(g)(3)).

25 30. Defendants transact business in the United States and accept credit cards and or
26 debit cards in the course of transacting business with persons such as Plaintiff and members of
27 the PLAINTIF CLASS. In transacting such business, Defendants use cash registers and or other
28 machines or devices that electronically print receipts for credit card or debit card transactions.

1 31. On and or after December 4, 2006, Defendants, at the point of a sale or
2 transaction with Plaintiff, provided Plaintiff with one or more electronically printed receipts on
3 each of which Defendants printed more than the last five digits of Plaintiff's credit card or debit
4 card number and/or the expiration date of Plaintiff's credit or debit card.

5 32. As set forth above, FACTA was enacted in 2003 and gave merchants who accept
6 credit and/or debit cards up to three years to comply with its requirements, requiring full
7 compliance with its provisions no later than December 4, 2006.

8 33. On information and belief, Defendants and each of them knew of and were
9 informed about the law, including specifically FACTA's requirements concerning the truncation
10 of credit and debit card numbers and prohibition on the printing of expiration dates. For
11 example but without limitation, several years ago, VISA, MasterCard, the PCI Security
12 Standards Council (a consortium founded by VISA, MasterCard, Discover, American Express
13 and JCB), companies that sell cash register and other informed Defendants and each of them
14 about FACTA, including its specific requirements concerning the truncation of credit and debit
15 card numbers and prohibition on the printing of expiration dates, and Defendants' need to
16 comply with same.

17 34. In addition, many companies such as VISA and MasterCard devised and
18 implemented policies well before the operative date of FACTA's requirements, pursuant to
19 which VISA, MasterCard and other required Defendants (and informed Defendants of the
20 requirements) to truncate credit and debit card numbers and prevent the printing of expiration
21 dates on receipts. For example, on March 6, 2003, VISA USA's CEO, Carl Pascarella, held a
22 press conference on Capitol Hill with Senators Dianne Feinstein, Judd Gregg, Jon Corzine and
23 Patrick Leahy, and publicly announced VISA USA's new truncation policy to protect consumers
24 from identity theft. At the March 2003 press conference, Mr. Pascarella explained, as follows:

25 "Today I am proud to announce an additional measure to combat
26 identity theft and protect consumers. **Our new receipt truncation**
27 **policy will soon limit cardholder information on receipts to the**
28 **last four digits of their accounts. The card's expiration date**

1 **will be eliminated from receipts altogether.** This is an added
2 security measure for consumers that don't require any action by the
3 cardholder. We are proud to be the first payments brand to
4 announce such a move to protect cardholders' identities by
5 restricting access to their account information on receipts.
6 **The first phase of this new policy goes into effect July 1, 2003**
7 **for all new terminals.** I would like to add, however, that even
8 before the policy goes into effect, **many merchants have already**
9 **voluntarily begun truncating receipts, thanks to groundwork**
10 **that we began together several years ago.** Receipt truncation is good news for consumers, and bad news for
11 identity thieves. Identity thieves on discarded receipts and
12 documents containing consumers' information such as payment
13 account numbers, addresses, Social Security numbers, and more.
14 Visa's new policy will protect consumers by limiting the
15 information these thieves can access." (Statements made by VISA
16 USA's CEO, Carl Pascarella at a March 6, 2003 press conference
17 held at Capitol Hill with Senators Dianne Feinstein, Judd Gregg,
18 Jon Corzine and Patrick Leahy.)

20 35. Despite knowing and being repeatedly informed about FACTA and the
21 importance of truncating credit and debit card numbers and preventing the printing of expiration
22 dates on receipts, and despite having had over three years to comply with FACTA's
23 requirements, Defendants and each of them knowingly willfully, intentionally, and recklessly
24 violated and continue to violate FACTA's requirements by, *inter alia*, printing more than the last
25 five digits of the card number and or the expiration date upon the receipts provided to the
26 cardholders with whom they transact business.

27 36. Defendants' business peers and competitors readily brought their credit and debit
28 card receipt printing processes in compliance with FACTA's requirements by, for example,

1 doing things such as programming their card machines and devices to prevent them from printing
 2 more than the last five digits of the card number and or the expiration date upon the receipts
 3 provided to the cardholders. Defendants could have readily done the same.

4 37. Instead, Defendants knowingly willfully, intentionally, and recklessly disregarded
 5 FACTA's requirements and continued to use cash registers and or other machines or devices that
 6 printed receipts in violation of FACTA.

7 38. Defendants knowingly, willfully, intentionally, and recklessly violated FACTA in
 8 conscious disregard of the rights of Plaintiff and the PLAINTIFF CLASS thereby exposing
 9 Plaintiff and the PLAINTIFF CLASS to an increased risk of identity theft and credit and or debit
 10 card fraud.

11 39. As a result of Defendants' willful violations of FACTA, Defendants are liable to
 12 Plaintiff and each member of the PLAINTIFF CLASS in the statutory damage amount of "not
 13 less than \$100 and nor more than \$1,000" for each violation. (15 U.S.C. § 1681n.)

14 40. Defendants' conduct is continuing and, unless restrained, Defendants will
 15 continue to engage in their unlawful conduct.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays for relief and judgment against Defendants, as follows:

18 1. An order certifying the PLAINTIFF CLASS and appointing Plaintiff as the
 19 representative of the PLAINTIFF CLASS, and appointing the law firm representing Plaintiff as
 20 counsel for the PLAINTIFF CLASS;

21 2. An award to Plaintiff and the PLAINTIFF CLASS of statutory damages pursuant
 22 to 15 U.S.C. § 1681n for Defendants' willful violations;

23 3. An award to Plaintiff and the PLAINTIFF CLASS of punitive damages pursuant
 24 to 15 U.S.C. § 1681n;

25 4. Payment of costs of suit herein incurred pursuant to, *inter alia*, 15 U.S.C. §
 26 1681n;

27 5. Payment of reasonable attorneys' fees pursuant to, *inter alia*, 15 U.S.C. § 1681n;
 28 and

6. For such other and further relief as the Court may deem proper.

Dated: April 5, 2007

DEL MAR LAW GROUP, LLP

By: 

John H. Donboli

JL Sean Slattery

Counsel for Plaintiff: BLAKE STEWART
and all others similarly situated

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all claims so triable.

Dated: April 5, 2007

DEL MAR LAW GROUP, LLP

By: 

John H. Donboli

JL Sean Slattery

Counsel for Plaintiff: BLAKE STEWART
and all others similarly situated

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Blake Stewart, an individual
and on behalf of all similarly
situated.

(b) COUNTY OF RESIDENCE OF FIRST LISTED
PLAINTIFF

San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Marie Callender, a
California Corporation and D&ES
1 through 100, Inc.
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY) Orange

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

JL Seanslattery
John H. Donboli
Del Mar Law Group, LLP
322 Eighth St., Ste. 101
Del Mar, CA 92014 858-793-6244

ATTORNEYS (IF KNOWN)

07CV 0619 J LSP

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | |
|----------------------------|----------------------------|---|----------------------------|----------------------------|
| PT | DEF | | PT | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Citizen of This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Citizen of Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
- ☐ 1 Incorporated or Principal Place of Business in This State
- ☐ 2 Incorporated and Principal Place of Business in Another State
- ☐ 3 Foreign Nation

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

Violation of 15 U.S.C. §§ 1681; Title 15 U.S.C. § 1681(c)(1). Defendants
printed more than the last 5 digits of Plaintiff credit card

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 480 Trademark	<input type="checkbox"/> 480 Trademark
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 490 Social Security	<input type="checkbox"/> 490 Social Security
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 IIIA (13958)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts
			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 BSL (405(e))	<input type="checkbox"/> 892 Economic Stabilization Act
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 894 Energy Allocation Act
					<input type="checkbox"/> 895 Freedom of Information Act
					<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
					<input type="checkbox"/> 950 Constitutionality of State
					<input checked="" type="checkbox"/> 990 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 4-5-07

SIGNATURE OF ATTORNEY OF RECORD

PAID \$350 BH 4/5/07 RCP#136827

\\ODMA\PCDOCS\WORDPERFECT\22816\1 January 24, 2000 (3:10pm)

UNITED STATES
DISTRICT COURT
Southern District of California
San Diego Division

136827 - A3
April 5, 2007

Code	Case #	Qty	Amount
CV086900	3-07-CV-0619		60.00 CH
Judge	- JONES		
CV510000			190.00 CH
CV086400			100.00 CH

Total -> 350.00

FROM: CIVIL FILING
STEWART V. MARIE CALLENDER'S
BCH3947
UH